

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVGENY RYZHOV,

Plaintiff,

-against-

\$5,379,876.94 IN UNITED STATES
CURRENCY FORMERLY ON DEPOSIT IN
SUNFLOWER BANK, NA, Account
11101996560, Held in the name of “OFAC
Blocked Account Malofeyev”; KONSTANTIN
MALOFEYEV; TSARGRAD TV,

Defendants.

23-CV-1072 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

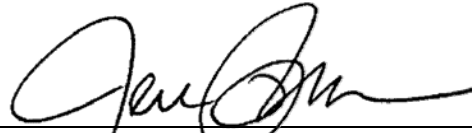
On March 17, 2023, the Court entered an order directing Plaintiff to file an amended IFP application because his initial application did not explain the size of a gift that he had reported and did not explain the inconsistency with another IFP application he had filed in a different case in which he declared no gifts. *See* ECF No. 9. On April 20, 2023, the Court dismissed the case based on Plaintiff’s failure to file an amended IFP application or to pay the fees. *See* ECF No. 12. The Court noted that Plaintiff could “move to reopen within 60 days upon payment of the filing fee.” *Id.* Earlier today, Plaintiff filed an amended IFP application. *See* ECF No. 14.

Plaintiff’s deadline to file any amended IFP application was April 16, 2023. In any event, the amended application does not address the issues that the Court flagged in its March 17th Order. That is, the size of the gift remains unreported and the inconsistency between IFP applications remains unexplained. Accordingly, to the extent that the amended IFP application could be and should be construed as a motion to reopen (or a motion for reconsideration), the motion is DENIED. Per the Court’s Order of yesterday, if Plaintiff intends to proceed with this litigation, he can move to reopen within 60 days *upon payment of the filing fee*.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 21, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a horizontal line.

JESSE M. FURMAN
United States District Judge